

**U.S. District Court
Western District of Virginia (Charlottesville)
CIVIL DOCKET FOR CASE #: 3:19-cv-00011-GEC**

Southern Environmental Law Center v. Bernhardt et al
Assigned to: Senior Judge Glen E. Conrad
Cause: 05:552 Freedom of Information Act

Date Filed: 02/21/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Southern Environmental Law Center

represented by **Kimberley Claire Hunter**
Southern Environmental Law Center
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Chapel Hill, NC 27516-2356
919-967-1450
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LEAD ATTORNEY
PRO HAC VICE
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LEAD ATTORNEY
PRO HAC VICE
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V.

Defendant

David Bernhardt
*in his official capacity as Acting Secretary
of the Department of the Interior*

represented by **Krista Consiglio Frith**
United States Attorneys Office – Roanoke
Western District of Virginia
310 First Street, SW, Suite 906
Roanoke, VA 24008
540-857-2956
Fax: 540-857-2283
Email: Krista.Frith@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Daniel Smith
*in his official capacity as Deputy Director
Exercising Authority of Director for the
National Park Service, an agency within*

represented by **Krista Consiglio Frith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

the Department of the Interior

Defendant

Daniel Jorjani

*in his official capacity as Principal
Deputy Solicitor Exercising the Authority
of Solicitor, the head of the Office of the
Solicitor, an agency within the
Department of Interior*

represented by **Krista Consiglio Frith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/21/2019	<u>1</u>	COMPLAINT against All Defendants (Filing & Administrative fee \$ 400; Receipt 0423-3079984.), filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit 1 – SELC ACP FOIA Request of December 14, 2017, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3 – Awareness Process Memo from Cindy Cafaro from May 24, 2018, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6)(jcj)
02/21/2019	<u>2</u>	Negative Corporate Disclosure Statement by Southern Environmental Law Center (jcj)
02/21/2019	<u>3</u>	Electronic Summons Issued as to David Bernhardt, U.S. Attorney and U.S. Attorney General. NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4. (Attachments: # <u>1</u> Attorney General Summons, # <u>2</u> AUSA summons)(jcj)
02/21/2019	<u>4</u>	Electronic Summons Issued as to Daniel Smith NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4.(jcj)
02/21/2019	<u>5</u>	Electronic Summons Issued as to Daniel Jorjani NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4.(jcj)
02/25/2019	<u>6</u>	MOTION for <i>Kimberley Hunter</i> to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0423-3082946. by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Kristin)
02/25/2019	<u>7</u>	MOTION for <i>Sam Evans</i> to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0423-3082959. by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Kristin)
02/25/2019	<u>8</u>	ORDER granting <u>6</u> MOTION to Appear Pro Hac Vice Attorney Kimberley Claire Hunter for Southern Environmental Law Center added. Signed by Senior Judge Glen E. Conrad on 2/25/19. (hnw)
02/25/2019	<u>9</u>	ORDER granting <u>7</u> MOTION to Appear Pro Hac Vice Attorney Samuel Edward Evans for Southern Environmental Law Center added. Signed by Senior Judge Glen E. Conrad on 2/25/19. (hnw)
03/27/2019	<u>10</u>	ANSWER to Complaint <u>1</u> by David Bernhardt, Daniel Jorjani, Daniel Smith.(Frith, Krista)
03/28/2019	<u>11</u>	Magistrate Consent Notice to Parties. (jcj)
06/06/2019	<u>12</u>	Rule 26(f) Agreed Written Plan by Defendants David Bernhardt, Daniel Jorjani, Daniel Smith (Frith, Krista)
06/10/2019	<u>13</u>	CROSS MOTIONS BRIEFING ORDER. Signed by Senior Judge Glen E. Conrad on 6/10/2019. (ssm)
08/28/2019	<u>14</u>	MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> by David Bernhardt, Daniel Jorjani, Daniel Smith. (Frith, Krista)
08/28/2019	<u>15</u>	Brief / Memorandum in Support re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> . filed by David Bernhardt, Daniel Jorjani, Daniel Smith. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Frith, Krista)

09/11/2019	<u>16</u>	RESPONSE in Opposition re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> . filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1, Email correspondence, # <u>2</u> Exhibit 2, Feb 2019 memo, # <u>3</u> Exhibit 3, Additional public records, # <u>4</u> Exhibit 4, Outstanding FOIA requests)(Hunter, Kimberley)
09/18/2019	<u>17</u>	REPLY to Response to Motion re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> . filed by David Bernhardt, Daniel Jorjani, Daniel Smith. (Frith, Krista)
09/27/2019	<u>18</u>	NOTICE of Hearing on Motion <u>14</u> MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> and forthcoming Motion to Compel in conjunction w/ similar motions in 3:19-cv-17 : (CR) (No Interpreter requested) Motion Hearing set for 11/4/2019 10:00 AM in Roanoke before Senior Judge Glen E. Conrad. (ssm)
10/03/2019	<u>19</u>	Joint MOTION to Reset Deadlines by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Hunter, Kimberley)
10/07/2019	<u>20</u>	ORDER granting <u>19</u> Joint Motion for a reset of deadlines. Signed by Senior Judge Glen E. Conrad on 10/4/19. (hnw)
10/30/2019	<u>21</u>	Joint Motion to Waive Appearance of local Counsel <i>at Nov. 4, 2019 hearing</i> by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Kristin)
10/30/2019	<u>22</u>	ORDER granting <u>21</u> Motion to Waive Appearance of Local Counsel and allowing pro hac counsel to appear at oral argument. Signed by Senior Judge Glen E. Conrad on 10/30/2019. (ssm)
11/04/2019	<u>23</u>	Minute Entry for proceedings held before Senior Judge Glen E. Conrad: Motion Hearing held on 11/4/2019 re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction <i>Count 2</i> filed by Daniel Jorjani, David Bernhardt, Daniel Smith. (Court Reporter: Mary Butenschoen) (ssm) (Main Document 23 replaced on 11/8/2019 w/ corrected minute sheet and regenerated to all) (ssm). (Entered: 11/08/2019)